

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

|                           |   |                             |
|---------------------------|---|-----------------------------|
| United States of America, | ) | CRIMINAL NO. 3:06-119 (CMC) |
|                           | ) |                             |
| v.                        | ) | <b>OPINION and ORDER</b>    |
|                           | ) |                             |
| Alonzo P. Swinton,        | ) |                             |
|                           | ) |                             |
| Defendant.                | ) |                             |
| _____                     | ) |                             |

This matter is before the court pursuant to Defendant's motion seeking a change in the wording on Defendant's Judgment Order relating to the sentence imposed running "concurrently with the undischarged term of imprisonment . . . ." ECF No. 57.

At sentencing, the court adjusted Defendant's sentence under U.S.S.G. § 5G1.3(b) by fourteen (14) months to reflect the credit given to Defendant on his state sentence by state authorities, including a four-month period between July and November 2005. This adjustment was noted on Defendant's Judgment Order.

It appears the United States Bureau of Prisons (BOP) has determined Defendant was given credit for this four-month period on his federal sentence upon Defendant's arrival at the BOP. An audit was recently performed and the BOP realized the court had already given Defendant credit for four (4) months (July 2005 through November 2005) when the sentence of 106 months' imprisonment was imposed. In other words, the BOP mistakenly gave Defendant credit for the same four-month period that the court had given him credit for at sentencing. The BOP thereafter determined Defendant's release date should be adjusted to reflect that Defendant was not due double credit on his federal sentence for this time. Accordingly, the BOP did not "add" time to Defendant's sentence; his sentence was recalculated based upon the BOP's original error.

Defendant's motion is hereby **denied**.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
October 28, 2013